IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 6292 of 2007(Y)

PETITIONER:

ANEESH, S/O. ABDUL KHADER,
ERANATHODIKA HOUSE, PALLIKUNNU,
WANDOOR, MALAPPURAM.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS:

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1. UNION OF INDIA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI.

2. PASSPORT OFFICER, KOZHIKODE.

BY SRI.JOHN VARGHESE, A.S.G.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.6292 OF 2007

Dated this the 26th day of February, 2007

JUDGMENT

The petitioner applied for a passport. At that time, a crime was registered against him for offences punishable under the Abkari Act. Since this fact is not disclosed in the application for passport, the passport authorities issued a show cause notice to him for initiating action for suppression of material facts.

2. According to the petitioner, the application for passport requires him to disclose only convictions within a period of five years and he was not required to disclose any crime registered in any police station and therefore, there is no suppression of material facts and hence the refusal to issue passport as also the show cause notice for prosecution for misrepresentation of facts are misplaced.

3. The application for passport, in clause 17 (b), requires the applicant to disclose whether any criminal proceedings is

pending against him by a court in India. If so, to give the name of the court, case number and relevant section of law. When a Station House Officer records an FIR and registers what is called as a crime case, it is registered and placed before the competent Magistrate and thereafter the investigation continues and it will be treated as a crime case until a final investigation report is filed before the competent Magistrate, who thereupon takes cognisance and proceeds further with the case. This does not mean that there is no case registered merely because the case is only at the crime stage. Under such circumstances, it is baseless for the petitioner to contend that the mere registration of a crime case was no material that he ought to have disclosed. I do not find any ground to issue any direction to the passport authorities to issue passport to the petitioner.

The writ petition fails the same is accordingly dismissed.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.